

Hearing Officer Transmittal Checklist

Hearing Date
5/17/2016
Agenda Item No.
6

Project Number: R2015-02165-(5)
Case(s): Conditional Use Permit Case No. 201500085
Planner: Steve Mar

- ☒ Project Summary
- ☒ Property Location Map
- ☒ Staff Analysis
- ☐ Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- ☒ Draft Findings
- ☒ Draft Conditions + Other department letters of recommended conditions
- ☐ Previous CUP Conditions of Approval
- ☒ Burden of Proof Statement(s)
- ☐ Environmental Documentation (ND / MND / EIR)
- ☒ Correspondence
- ☐ Photographs
- ☐ Aerial Image(s)
- ☒ Land Use/Zoning Map
- ☐ Tentative Tract / Parcel Map
- ☒ Site Plan / Floor Plans / Elevations
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ Altadena Town Council Letter – 2/16/16
- ☒ Sheriff's Department Letter – 9/8/15
- ☒ ABC B&P Worksheet
- ☒ Plot Plan No. 200901335 / Minor Parking Deviation No. 200900008
Approval and Conditions
- ☒ Subdivision and Zoning Ordinance Policy No. 01-2013

Reviewed By:





Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER

R2015-02165-(5)

HEARING DATE

May 17, 2016

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201500085

PROJECT SUMMARY

OWNER / APPLICANT

Dorsey Development - Lorraine Dorsey / Amie Moore

MAP/EXHIBIT DATE

12/13/10

PROJECT OVERVIEW

The applicant, Amie Moore, is requesting a Conditional Use Permit (CUP) to authorize the sale of beer and wine for on-site consumption (Type 41 alcohol license) at an existing restaurant ("Amy's Patio Café") in the C-3 (General Commercial) zone in the Altadena Zoned District pursuant to Los Angeles County Code Sections 22.28.210 and 22.56.1762.

LOCATION

900 E. Altadena Dr., Altadena

ACCESS

via Altadena Dr., Lake Ave., & rear alley

ASSESSORS PARCEL NUMBER(S)

5845-002-016

SITE AREA

0.4 Acres

GENERAL PLAN / LOCAL PLAN

Altadena Community Plan

ZONED DISTRICT

Altadena ZD

LAND USE DESIGNATION

MU – Mixed Use

ZONE

C-3 (General Commercial)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

Altadena CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Altadena Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.44.127 (Altadena CSD requirements)
 - 22.28.220 (C-3 Zone Development Standards)

CASE PLANNER:

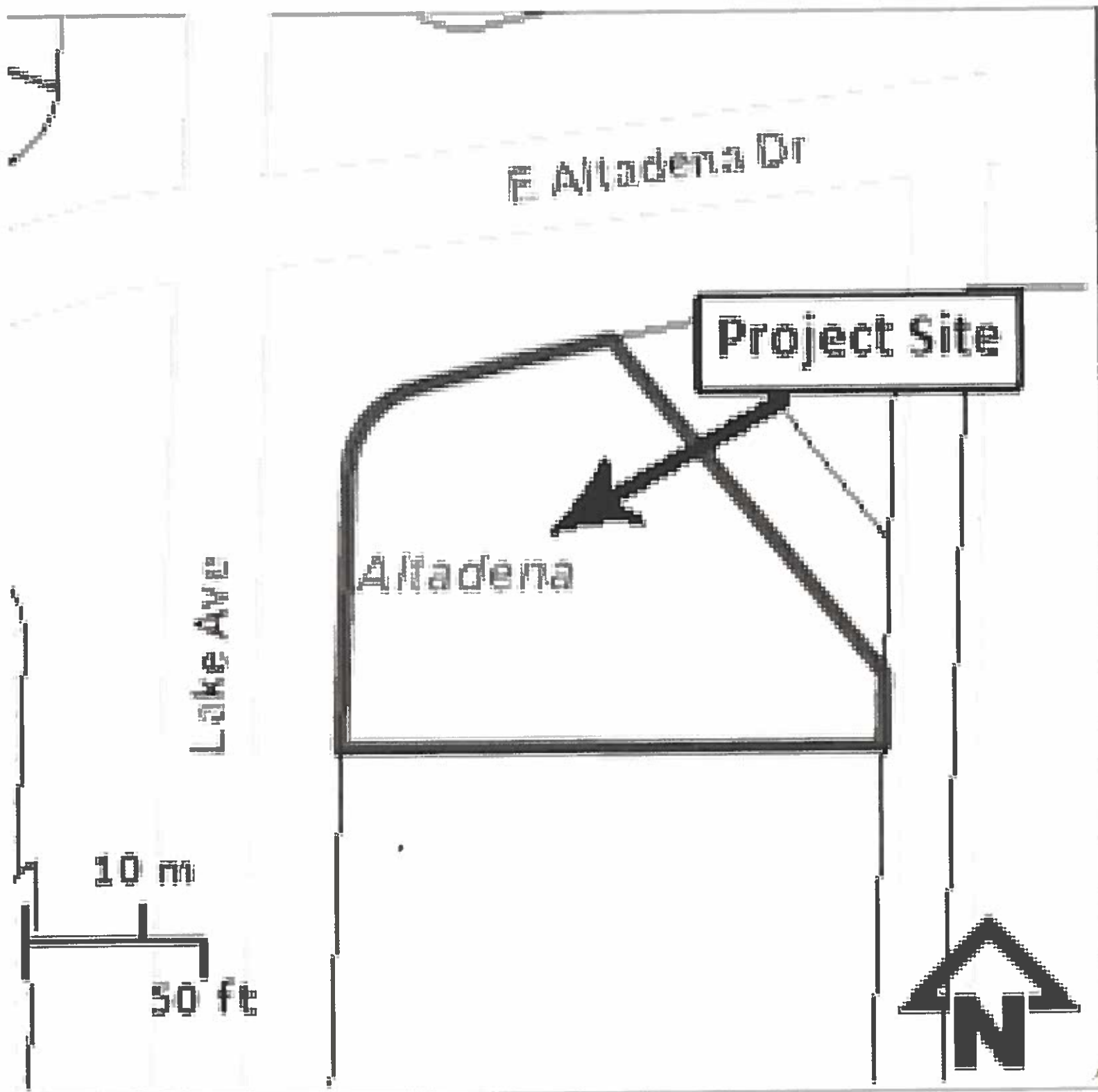
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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) to authorize the sale of beer and wine for on-site consumption (Type 41 alcohol license) at an existing restaurant in the C-3 (General Commercial) Zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The applicant, Amie Moore, is requesting a Conditional Use Permit to authorize the sale of beer and wine for on-site consumption (Type 41 alcohol license) at an existing restaurant ("Amy's Patio Cafe") in the C-3 (General Commercial) zone in the Altadena Zoned District pursuant to Los Angeles County Code Section 22.28.210.

SITE PLAN DESCRIPTION

The site plan depicts an existing 6,809 sq. ft. multi-tenant retail commercial building on a 0.4 acre lot located containing 10 parking spaces at the southeast corner of Altadena Drive and Lake Avenue. Access to the site is provided by driveways off of Altadena Dr., Lake Ave., and an alley to the east. The subject restaurant is located in a 1,500 sq. ft. tenant space on the west end of the building. The floor plan of the restaurant depicts seating for 30 customers (total occupancy load of 38 persons as approved by Public Works). A proposal to convert an existing office area into a new restroom would be approved under a separate grant.

EXISTING ZONING

The subject property is zoned C-3 (General Commercial) and is within the Altadena Community Standards District (CSD), Lake Avenue Area.

Surrounding properties are zoned as follows:

North: C-2 (Neighborhood Business), R-3 (Limited Density Multiple Residence)
South: C-3, R-3-P (Limited Density Multiple Residence – Parking)
East: R-3-P, R-3
West: CPD (Commercial Planned Development), C-3

EXISTING LAND USES

The subject property is developed with a multi-tenant commercial building.

Surrounding properties are developed as follows:

North: Gas Station, Church, Multi-family Residences, Single-family Residences
South: Church, Retail Commercial, Multi-family Residences, Single-family Residences
East: Church, School
West: Retail Commercial, Park, Multi-family Residences, Sheriff Station

PREVIOUS CASES/ZONING HISTORY

The previous zoning history of the subject parcel is as follows: C-3 (5/9/1950).

Parking Permit No. 97-112: This parking permit was referenced under Parking Permit No. 200900008, but a record of this permit was unable to be found.

Plot Plan No. 200901335: Approved 6/23/11 for changes to the floor plan of the subject restaurant and to increase the occupant load to 38 persons.

Parking Permit No. 200900008: Approved 6/23/11 for a Minor Parking Deviation to allow a reduced parking amount of 10 spaces instead of the required 13 spaces based on the

restaurant's occupancy load of 38 persons. This approval supersedes Parking Permit No. 97-112.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The restaurant is an existing business and is not proposing any physical expansion of their business or increase in their occupancy load. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the MU – Mixed Use land use category of the Altadena Community Plan. This designation is intended for primarily retail commercial, office, restaurant, multi-family residential, and other commercial, institutional, and residential uses. The sale of beer and wine for on-site consumption at an existing restaurant is intended to support and enhance the restaurant's existing business and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Encourage mixed use development along major commercial corridors in urban and suburban areas.*
- *Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

The project allows for the sale of beer and wine for on-site consumption at an existing restaurant located along the major commercial corridors of Altadena Drive and Lake Avenue. The project enhances the existing dining service of the restaurant and retains the commercial character of the intersection.

The following policies of the Altadena Community Plan are applicable to the proposed project:

- *Preserve existing residential neighborhoods, commercial districts, community facilities, institutions, and environmental amenities.*
- *Provide for the strengthening of existing corridors and clusters of commercial...uses...as principal activity centers of the Altadena community.*
- *Encourage commercial areas to develop desirably distinctive qualities in their design, appearance, and operation.*

The sale of beer and wine for on-site consumption is intended to enhance the existing restaurant's dining service for its customers. The project encourages the retention of the existing restaurant business at its location at the commercial intersection of Altadena Drive and Lake Avenue.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- The site plan depicts 321 square feet of landscaping, which is less than the required minimum 10 percent landscaping requirement for the lot. However, the structures on the site were constructed in the 1920s, prior to the adoption of current landscaping requirements. In addition, Plot Plan No. 200901335, approved June 23, 2011, authorized 321 square feet of landscaping on the site.
- Restaurant uses are required to provide one parking space for each three persons based on the project's occupancy load. The site provides 10 parking spaces, which is less than the required 13 parking spaces based on the restaurant's 38 person occupancy level. Parking Permit No. 200900008, approved June 23, 2011, granted a Minor Parking Deviation to allow a reduced parking amount of 10 spaces. This permit expires May 16, 2021. On August 28, 2013, Subdivision and Zoning Ordinance Policy No. 01-2013 allowed eating and drinking establishments within existing commercial buildings nonconforming due to parking standards to calculate parking based on the requirements in effect at the time the building was legally constructed. Commercial buildings built prior to September 22, 1970, would not be required to provide additional parking for any eating or drinking establishment. County Assessor's records show that the structures on the project site were built in the 1920s and would therefore not be required to provide any additional parking. Subdivision and Zoning Ordinance Policy No. 01-2013 also terminates the Minor Parking Deviation granted under Parking Permit No. 200900008.
- The project is not proposing any outside display or outside storage.

Pursuant to Section 22.44.127 of the County Code, establishments in the Altadena Community Standards District (CSD) are subject to the following development standards:

- The maximum height permitted for structures in the Lake Avenue Area is 35 feet. The existing building is under this height limit.
- The project is not proposing any changes to its previously approved existing sign.

Neighborhood Impact/Land Use Compatibility

The sale of beer and wine for on-site consumption at an existing restaurant on the subject property is compatible with the surrounding neighborhood and provides an enhanced dining service to the community. Alcoholic beverage sales is a permitted use in the C-3 zone once a CUP is obtained. Currently, there are three other establishments within a 500-ft. radius of the subject property that sell alcohol. These establishments include a drug store ("Rite Aid," Type 21 – full line off-site), a restaurant ("El Patron Mexican Food Restaurant," Type 41 – beer and wine on-site), and a bar ("Rancho Bar," Type 48 – full line on-site). Although this constitutes an undue concentration under County Code, the sale of beer and wine for on-site consumption would serve as a public convenience and necessity to the surrounding community by providing beverage options and services that are consistent with other restaurants in the area. With the proposed draft conditions, the project shall remain consistent and compatible with the surrounding community.

The applicant carries the Burden of Proof to substantiate all facts as follows:

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

Amy's Patio Café is a small 30 seat family owned restaurant. Its customers are primarily neighbors and workers from the surrounding neighborhood. The addition of beer and wine sales as an accessory to the food being served will not have any adverse impact on the public health, peace, comfort, safety, or general welfare of persons residing or working in the surrounding area. The permit request will provided added value to the local neighborhood.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing restaurant occupies a tenant space in an existing structure built in the 1920s. No new construction is proposed for the exterior of the building. Proposed minor interior work will consist of converting an existing office area in the restaurant into a new ADA accessible restroom. Existing yards, fences, and parking areas will not be changed.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The existing restaurant is located on the corner of Lake Avenue and Altadena Drive. Both of these streets are fully developed and provide adequate access to the site and are of sufficient width to accommodate traffic to the restaurant. The site is adequately served by all necessary utilities.

Additionally, the applicant carries the Burden of Proof to substantiate all facts as related to Alcoholic Beverage Sales as follows:

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

The main entrance to the restaurant is from the parking area adjoining Lake Avenue. Adjoining businesses, the existing width of surrounding streets, and the alley provide sufficient buffering to prevent any adverse effect upon nearby sensitive uses.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The main entrance to the restaurant is from the parking area adjoining Lake Avenue. Adjoining businesses, the existing width of surrounding streets, and the alley provide sufficient buffering to prevent any adverse effect upon nearby residential areas within the immediate vicinity.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There are other businesses within 500 feet of the subject property that sell alcoholic beverages, including a nearby restaurant located across the street from the subject property that provides beer and wine service. The project would serve a public convenience and necessity by allowing

Amy's Patio Café to provide the same type of food and beverage service as the neighboring restaurant.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

Customers of the restaurant have requested beer and wine service to be offered with the food service that the restaurant provides. Therefore, the sale of beer and wine would enhance the economic welfare of the surrounding community.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The existing commercial building was constructed in the 1920s. No exterior work is being proposed as part of the project.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Sheriff's Station

The County of Los Angeles Sheriff's Department, Altadena Station, researched the subject property's calls for service for the past five years and found eight calls for service, all related to burglar alarms. All calls for service have been routine in nature and none have been related to disturbances or public nuisances. The Sheriff's Department had no reason to deny the project.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

California Department of Alcoholic Beverage Control

Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 775. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District 775 is 119.

The subject property lies within Census Tract 4601. There is currently 1 existing alcohol license in this census tract and 5 licenses are allowed. Therefore there is not an undue concentration of alcoholic beverages existing within Census Tract 4085.04.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Altadena Town Council

The Altadena Town Council reviewed the project at its January 19, 2016 meeting and recommended approval of the project. In its comment letter, the Council noted there were eight sites identified as sensitive uses within a 600-ft. radius of the project site. The Council contacted each of the sites; two organizations supported the project, five organizations indicated they were not opposed to the project, and one organization who managed the rehabilitation of a

nearby park had no comment on the project indicating that the park did not contain a playground. The Council also noted that 22 surrounding residents were contacted regarding the project. Of the 22 that were contacted, four residents opposed the project. Three of the four were opposed to the use of alcohol in general and the fourth person was concerned that patrons would be leaving the restaurant in a state not fit to drive safely. The Council recommended the following conditions of approval: 1) Sale of beer and wine will be limited to the hours between 9:00 a.m. and 10:00 p.m., 2) No alcoholic beverages will be served at outdoor tables, 3) Beer and wine will be sold only in conjunction with food ordered at the restaurant.

Staff received two comment letters in support of the project.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-02165-(5), Conditional Use Permit Number 201500085 subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500085 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Steve Mar, Regional Planning Assistant II, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statements
Correspondence
Site Plan, Land Use Map

MM:SM
5/17/16

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02165-(5)
CONDITIONAL USE PERMIT NO. 201500085**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500085 ("CUP") on May 17, 2016.
2. The permittee, Amie Moore ("permittee"), requests the CUP to authorize the sale of beer and wine for on-site consumption (Type 41 alcohol license) at an existing restaurant ("Amy's Patio Café") ("Project") on a property located at 900 E. Altadena Drive in the unincorporated community of Altadena ("Project Site") in the C-3 zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is 0.4 acres in size consisting of three legal lots. The Project Site is irregular in shape with flat topography and is developed with a multi-tenant commercial building.
4. The Project Site is located in the Altadena Zoned District and is currently zoned C-3 (General Commercial). The site is within the Altadena Community Standards District (CSD), Lake Avenue Area.
5. The Project Site is located within the MU – Mixed Use land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-2 (Neighborhood Business), R-3 (Limited Density Multiple Residence)
 - South: C-3, R-3-P (Limited Density Multiple Residence – Parking)
 - East: R-3-P, R-3
 - West: CPD (Commercial Planned Development), C-3
7. Surrounding land uses within a 500-foot radius include:
 - North: Gas Station, Church, Multi-family Residences, Single-family Residences
 - South: Church, Retail Commercial, Multi-family Residences, Single-family Residences
 - East: Church, School
 - West: Retail Commercial, Park, Multi-family Residences, Sheriff Station
8. The Project Site was zoned C-3 in 1950. On June 23, 2011, Plot Plan No. 200901335 and Parking Permit No. 200900008 were approved for changes to the floor plan of the subject restaurant, to increase the occupant load to 38 persons, and to allow a reduced parking amount of 10 spaces instead of the required 13 spaces based on the restaurant's 38 person occupancy load. A previous Parking Permit No. 97-112 was also approved for the site which Parking Permit No. 200900008 superseded.
9. The site plan for the Project depicts an existing 6,809 sq. ft. multi-tenant retail commercial building on a 0.4 acre lot located containing 10 parking spaces at the southeast corner of Altadena Drive and Lake Avenue. Access to the site is provided by driveways off of Altadena Dr., Lake Ave., and an alley to the east. The subject restaurant is located in a 1,500 sq. ft. tenant space on the west end of the building. The floor plan of the restaurant

depicts seating for 30 customers (total occupancy load of 38 persons as approved by Public Works).

10. The floor plan of the restaurant depicts a proposal to convert an existing office area into a new restroom. The CUP approval does not grant this proposed conversion and would be granted under a separate application approval.
11. The Project Site is accessible via Altadena Drive to the north and Lake Avenue to the west. Primary access to the Project Site will be via entrances/exits on Altadena Drive and Lake Avenue. Secondary access to the Project Site will be via an entrance/exit off of a rear alley behind the building.
12. The Project provides a total of 10 parking spaces, as allowed under Subdivision and Zoning Ordinance Policy No. 01-2013. Five parking spaces are located in a lot in front of the building and five parking spaces are located in a lot behind the building. The front parking spaces are accessible via Altadena Drive and Lake Avenue and the rear parking spaces are accessible via a rear alley.
13. The County of Los Angeles Sheriff's Department, Altadena Station, researched the subject property's calls for service for the past five years and found eight calls for service, all related to burglar alarms. All calls for service have been routine in nature and none have been related to disturbances or public nuisances. The Sheriff's Department had no reason to deny the project.
14. Statistical data from the California Department of Alcoholic Beverage Control (ABC) report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 775. The average number of offenses reported per district is 85.7 and the total number of crimes reported for District 775 is 119.

The subject property lies within Census Tract 4601. There is currently 1 existing alcohol license in this census tract and 5 licenses are allowed. Therefore there is not an undue concentration of alcoholic beverages existing within Census Tract 4085.04.

15. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project proposes the sale of beer and wine for on-site consumption at an existing restaurant and is not proposing any physical expansion of their business or increase in their occupancy load.
16. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
17. The Altadena Town Council reviewed the project at its January 19, 2016 meeting and recommended approval of the project. The Council identified eight sensitive use sites within a 600-ft. radius of the project site. The Council contacted each of the sites; two organizations supported the project, five organizations indicated they were not opposed to the project, and one organization who managed the rehabilitation of a nearby park had no comment on the project indicating that the park did not contain a playground. The Council also noted that 22 surrounding residents were contacted regarding the project. Of the 22

that were contacted, four residents opposed the project. Three of the four were opposed to the use of alcohol in general and the fourth person was concerned that patrons would be leaving the restaurant in a state not fit to drive safely. The Council recommended the following conditions of approval: 1) Sale of beer and wine will be limited to the hours between 9:00 a.m. and 10:00 p.m., 2) No alcoholic beverages will be served at outdoor tables, 3) Beer and wine will be sold only in conjunction with food ordered at the restaurant.

18. Staff received two comment letters in support of the Project.
19. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
20. The Hearing Officer finds that the project site is located within the MU – Mixed Use land use category of the Altadena Community Plan. This designation is intended for primarily retail commercial, office, restaurant, multi-family residential, and other commercial, institutional, and residential uses. The sale of beer and wine for on-site consumption at an existing restaurant is intended to support and enhance the restaurant's existing business and is therefore consistent with the permitted uses of the underlying land use category.
21. The Hearing Officer finds that establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. Additionally, establishments in the Altadena Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.127. The project conforms to development standards as prescribed for landscaping, height, outside display and storage, and signage. The project does not conform to the development standard of providing one vehicle parking space for each three persons based on the project's occupancy load. The site provides 10 parking spaces, which is less than the required 13 parking spaces based on the restaurant's 38 person occupancy level. Parking Permit No. 200900008, approved June 23, 2011, granted a Minor Parking Deviation to allow a reduced parking amount of 10 spaces. This permit expires May 16, 2021. On August 28, 2013, Subdivision and Zoning Ordinance Policy No. 01-2013 allowed eating and drinking establishments within existing commercial buildings nonconforming due to parking standards to calculate parking based on the requirements in effect at the time the building was legally constructed. Commercial buildings built prior to September 22, 1970, would not be required to provide additional parking for any eating or drinking establishment. County Assessor's records show that the structures on the project site were built in the 1920s and would therefore not be required to provide any additional parking. Subdivision and Zoning Ordinance Policy No. 01-2013 also terminates the Minor Parking Deviation granted under Parking Permit No. 200900008.
22. The Hearing Officer finds that Amy's Patio Café is a small 30 seat family owned restaurant. Its customers are primarily neighbors and workers from the surrounding neighborhood. The addition of beer and wine sales as an accessory to the food being served will not have any adverse impact on the public health, peace, comfort, safety, or general welfare of persons residing or working in the surrounding area. The permit request will provided added value to the local neighborhood.
23. The Hearing Officer finds that the existing restaurant occupies a tenant space in an existing structure built in the 1920s. No new construction is proposed for the exterior of the building. Proposed minor interior work will consist of converting an existing office area in the restaurant into a new ADA accessible restroom. Existing yards, fences, and parking areas will not be changed.

24. The Hearing Officer finds that the existing restaurant is located on the corner of Lake Avenue and Altadena Drive. Both of these streets are fully developed and provide adequate access to the site and are of sufficient width to accommodate traffic to the restaurant. The site is adequately served by all necessary utilities.
25. The Hearing Officer finds that the main entrance to the restaurant is from the parking area adjoining Lake Avenue. Adjoining businesses, surrounding streets, and the alley provide sufficient buffering to prevent any adverse effect upon nearby sensitive uses.
26. The Hearing Officer finds that the main entrance to the restaurant is from the parking area adjoining Lake Avenue. Adjoining businesses, the existing width of surrounding streets, and the alley provide sufficient buffering to prevent any adverse effect upon nearby residential areas within the immediate vicinity.
27. The Hearing Officer finds that there are other businesses within 500 feet of the subject property that sell alcoholic beverages, including a nearby restaurant located across the street from the subject property that provides beer and wine service. The project would serve a public convenience and necessity by allowing Amy's Patio Café to provide the same type of food and beverage service as the neighboring restaurant.
28. The Hearing Officer finds that customers of the restaurant have requested beer and wine service to be offered with the food service that the restaurant provides. Therefore, the sale of beer and wine would enhance the economic welfare of the surrounding community.
29. The Hearing Officer finds that the existing commercial building was constructed in the 1920s. No exterior work is being proposed as part of the project.
30. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
31. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of the Altadena community. On April 7, 2016, a total of 278 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
32. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.

- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. 201500085, subject to the attached conditions.

ACTION DATE: May 17, 2016

MM:SM
05/17/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**[DRAFT] CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02165-(5)
CONDITIONAL USE PERMIT NO. 201500085**

PROJECT DESCRIPTION

The project is a conditional use permit to authorize the sale of beer and wine for on-site consumption (Type 41 alcohol license) at an existing restaurant subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 17, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning by **July 17, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or

Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.

20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program (insert other State mandated program if applicable) provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.
23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 9:00 a.m. to 10:00 p.m., seven days a week.
26. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
27. The permittee shall develop and implement a Designated Driver program (i.e. free soft drinks or coffee to a designated driver of a group). The permittee shall submit the program to the Director of Planning for approval prior to the approval of the Exhibit "A". A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
28. All servers of alcoholic beverages must be at least 18 years of age.
29. There shall be no music or other noise audible beyond the restaurant premises.
30. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
31. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.

32. The sale and serving of alcoholic beverages for consumption outside the restaurant is prohibited, including patios, sidewalks, and porches.
33. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation.
34. Not less than fifty-one percent of the income from the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages. Said records shall be made available to the Los Angeles County Department of Regional Planning, the Department of Alcoholic Beverage Control, or the Los Angeles County Sheriff's Department on demand.
35. The permittee may hold "happy hour" drink specials, specials or similar promotions from 3:00 p.m. to 6:00 p.m., seven days a week, only in conjunction with food.
36. Food service shall be continuously provided during operating hours.
37. Payphones shall be prohibited on the premises.
38. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

A. That the requested use at the location will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

A. Amy's Patio Cafe is a small 30 seat family owned and operated indoor restaurant. The customers are primarily neighbors and workers in the surrounding neighborhood. the addition of the sale of beer and wine as an accessory to the food being served will not have any adverse impact on the public health, peace, comfort, safety or general welfare of persons residing or working in the surrounding area. we feel the restaurant will provide added value to the local neighborhood and the full service restaurant will provide a comfortable place for local patrons to enjoy meals with their family and friends.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing restaurant occupies a portion of an existing structure built in the 1920s. There is no new construction outside the building. the only work being done is the addition of a disabled access restroom. all the yards, fences and parking areas are existing. there are no proposed changes to any of these areas. the new disabled access restroom will allow us to better accommodate all of our patrons

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

the existing restaurant is located on the corner of lake avenue and altadena drive. both of these streets are fully developed. the access to the restaurant is off of lake avenue and the adjoining parking lot. the access streets are of sufficient width to accommodate the traffic to amy's patio café as well as to the surrounding businesses.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



ALCOHOLIC BEVERAGE SALES BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.195, the applicant shall substantiate the following:
(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

ABC License Type No(s): _____ (e.g. Type 20, Type 41)

A. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

The existing restaurant is a small 30 seat, indoor, family owned restaurant. The main entry to the restaurant is from the parking area adjoining lake ave. the adjoining businesses, the width of the streets, and the alley provide a buffer zone to prevent any adverse effect upon the religious worship or the school.

B. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The main entry to the restaurant is off Lake Ave. The adjoining retail businesses, parking area in front of the restaurant, and the adjoining alley provide sufficient buffer area from the residential area. all the activities are contained within the small restaurant.

C. The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.

There is an existing small restaurant providing beer and wine across the street. Our business, Amy's Café, is more secluded. many of our customers are workers from the adjoining commercial businesses or residential neighbors. two family restaurants providing alcohol with meals will not cause an undue concentration.

D. That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

Many of our regular customers have requested that we provide beer and wine as an accessory to the food that the restaurant provides. allowing the sale of beer and wine will help the economic welfare of the community.

E. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The existing retail commercial corner lot development was constructed in 1924-26. No exterior work is being done to the building . the architectural finish of the property is consistant with the the construction in the area.

Steven Mar

From: John Zoraster [jzoraster@gmail.com]
Sent: Monday, April 25, 2016 11:07 AM
To: Steven Mar
Subject: Project R2015-02165(5) - Conditional Use Permit 201500085

Mr. Mar:

As a neighbor and a customer, I am in favor of the proposed Conditional Use Permit 201500085.

I live close to Amy's Restaurant at 900 E. Altadena Dr., Altadena. And I eat there regularly with a friend of 50 years. We would be delighted were we able to enjoy a glass of wine with our lunch.

I find it difficult to envision how the requested Conditional Use Permit would be a burden to the community.

I would appreciate a response confirming your receipt of this Email.

Sincerely,

John Zoraster
3279 Rubio Canyon Road

Steven Mar

From: James Griffith [james.griffith4@gmail.com]
Sent: Monday, April 11, 2016 6:01 PM
To: Steven Mar
Subject: project no. R2015-02165-(5)

Dear Steve Mar,

As the owner of the adjacent property at 918 and 916 Altadena Drive in Altadena, I wish it to be known I fully support the approval of Amy's Patio Café request for a permit to serve beer and wine. I also support the allowance of parking deviations as I believe the current parking code is too strict for many of Altadena's commercial buildings.

Thank you,
James Griffith
918 Altadena Drive
Altadena, CA 91001



ALTADENA TOWN COUNCIL

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730 East Altadena Drive • Altadena, California 91001

Mr. Richard Bruckner
Planning Director
Los Angeles County Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

February 16, 2016

Re: Project Number R2015-02165 Request to sell beer and wine
Location: 912/900 E Altadena Drive
Applicant: Amy's Patio Cafe

Dear Mr. Bruckner,

The Altadena Town Council (ATC) resolved, at its January 19, 2016 meeting, to recommend the **APPROVAL** of the above mentioned project with conditions.

SURROUNDING SENSITIVE SITES

The County has identified eight sites within a 600 foot radius of Amy's Patio Café that are considered sensitive sites. These are the Altadena Community Church, Two Dragons Martial Arts, St. Mark's Episcopal Church, St. Mark's School, Lifeline Fellowship Christian Center, the Christian Science Church and Reading Room, Sahag Mesrob Armenian Christian School, and Monument Park.

ATC members and the applicant contacted each of the sites to obtain their feedback. Two of the organizations supported the project, five of the organizations were non-profits and, therefore, could not endorse the project but all indicated that they would not oppose the project. The organization managing the rehabilitation of Monument Park indicates that a playground is not included in the rehabilitation plan.

RESIDENT FEEDBACK

Twenty-two surrounding residents were contacted and 4 residents opposed the application. Three were opposed to the use of alcohol in general the fourth was concerned that patrons would be leaving the restaurant in a state not fit to drive safely.

In addition, the applicant obtained more than 400 signatures from the community, supporting her application. Regional Planning is in possession of the petition signatures.

CONCLUSION

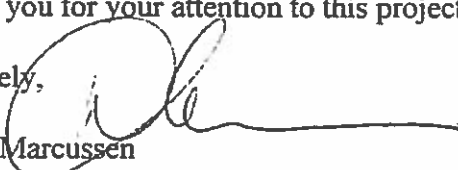
Amy's is an established restaurant and has been under current ownership for three years. The owner has applied for this CUP because patrons have been asking for beer and wine to accompany their meals. The restaurant will also be expanding hours to include dinner which is a welcome addition to Altadena dining.

In light of the large amount of support and low level of opposition, we recommend approval of the application to sell beer and wine at Amy's Patio Cafe, with the following conditions:

- Sale of beer and wine will be limited to the hours between 9:00 a.m. and 10:00 p.m.
- No alcoholic beverages will be served at outdoor tables
- Beer and wine will be sold only in conjunction with food ordered at the restaurant.

Thank you for your attention to this project.

Sincerely,



Diane Marcussen
Altadena Town Council

cc: Ms. Sussy Nemer, Senior Deputy to Supervisor Antonovich



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 8, 2015

County of Los Angeles/Department of Regional Planning
Zoning Permits East Section
320 West Temple Street, Suite 1346
Los Angeles, California 90012

Dear Mr. Steve Mar:

I have complete a summary of service calls and crime history for "Amy's Patio Café," which is located at 900 East Altadena Drive, Altadena, California 91001. There has only been eight calls for service and they were all related to burglar alarms only. All calls for service haven been routine in nature and none have been related to disturbances or public nuisances.

In regards to the Conditional Use Permit (CUP) Consultation for Sale of Alcohol being requested by the owner of Amy's Patio Café, the Altadena Sheriff's Station sees no reason to deny the permit.

If there are any questions regarding this request, contact Detective Sergeant Joel Nebel at the Altadena Sheriff's Station, 780 East Altadena Drive, Altadena, California (626) 296-2109.

Sincerely,

JIM McDONNELL, SHERIFF

Christopher J. Reed, Captain
Altadena Sheriff's Station

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Department of Alcoholic Beverage Control

State of California
Edmund G. Brown Jr., Governor

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

900

2. PREMISES ADDRESS (Street number and name, city, zip code)

E Altadena Dr, Altadena CA 91001-2034

3. LICENSE TYPE

41

4. TYPE OF BUSINESS

- ☒ Full Service Restaurant ☐ Hofbrau/Cafeteria ☐ Cocktail Lounge ☐ Private Club
- ☐ Deli or Specialty Restaurant ☐ Comedy Club ☐ Night Club ☐ Veterans Club
- ☐ Cafe/Coffee Shop ☐ Brew Pub ☐ Tavern: Beer ☐ Fraternal Club
- ☐ Bed & Breakfast: ☐ Theater ☐ Tavern: Beer & Wine ☐ Wine Tasting Room
- ☐ Wine only ☐ All
- ☐ Supermarket ☐ Membership Store ☐ Service Station ☐ Swap Meet/Flea Market
- ☐ Liquor Store ☐ Department Store ☐ Convenience Market ☐ Drive-in Dairy
- ☐ Drug/Variety Store ☐ Florist/Gift Shop ☐ Convenience Market w/Gasoline
- ☐ Other - describe:

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

☐ On-Sale ☐ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

1,1048

☒ On-Sale ☐ Off-Sale

8. CENSUS TRACT NUMBER

4601

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

5

☒ On-Sale ☐ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

1

☒ On-Sale ☐ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☐ Yes, the number of existing licenses exceeds the number allowed
- ☒ No, the number of existing licenses is lower than the number allowed

536-B5

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

☒ Yes (Go to Item #13)☐ No (Go to Item #20)

Altadena Sheriff Department

13. CRIME REPORTING DISTRICT NUMBER

0775

14. TOTAL NUMBER OF REPORTING DISTRICTS

557

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,758

16. AVERAGE NO. OF OFFENSES PER DISTRICT

85.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

119

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in Item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in Item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☒ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

Plot Plan RPP 200901335-RPKD 200900008
(Project 97112)
900 E. Altadena Dr.
Altadena CSD/Lake Avenue Area
APN 5845-002-003, -002

- Plot plan RPP 200901335/Minor Parking Deviation RPKD 200900008 is approved for the continued use of Amy's Patio Café and changes to the floor plan, including a dining area. Parking and landscaping are approved as shown.
- Occupant load of restaurant is 38 persons. Parking required is 13 spaces based on normal requirements and is reduced to 10 spaces through the Minor Parking Deviation. Parking provided is 10 spaces, including 5 in front and 5 in back.
- The restaurant was previously approved under Parking Permit 97-112 but is now being modified. Parking in the rear has been modified, including a handicapped parking space.
- The buildings were constructed in the 1920s prior to parking requirements, so no parking is being required for the other uses in the building, only for the restaurant.
- Comply with all conditions of the Minor Parking Deviation (see attached conditions).
- RPKD 200900008 must be renewed prior to May 16, 2021 in order to continue the intended use beyond that date.
- Parcels 5845-002-003 and -002 have been tied by a covenant and shall be held as one parcel.
- This project is exempt from the Green Building and Drought Tolerant Landscaping requirements since no new building is proposed. It is exempt from the LID requirements since impervious area is not increasing.
- Obtain permit from Building and Safety.
- This approval must be used by June 23, 2013.

DO NOT REMOVE!

1. This grant authorizes a minor deviation in parking requirements by allowing 10 parking spaces when 13 parking spaces are required for an increase in the occupant load of Amy's Patio Cafe located at 900 East Altadena Drive within the Lake Avenue Area of the Altadena Community Standards District subject to all of the following conditions of approval:
 - a. A minimum of 10 parking spaces shall be provided on the subject property as depicted on the approved site plan;
 - b. The subject property shall be developed and maintained in substantial conformance with the approved site plan on file. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plot plans must be accompanied by the written authorization of the property owner;
 - c. All landscaped areas shall be continuously and properly maintained in good condition;
 - d. The permittee shall maintain the subject property in a neat and orderly fashion, and maintain the property free of litter in all areas over which the permittee has control;
 - e. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization; and
 - f. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces; and
 - g. All structures on the subject property shall conform to the requirements of the Los Angeles County Department of Public Works.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. **This grant shall not be effective** for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning (Regional Planning) their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the

conditions of the grant have been recorded as required by **Condition No. 8**, and until all required monies have been paid pursuant to **Condition No. 10**.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code (County Code) Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of approval. This permit is used when the permittee has submitted to Regional Planning a signed, notarized affidavit of acceptance of conditions. A one-year time extension may be requested in writing and with payment of the applicable fee at least three (3) months prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. The permittee shall furnish and record an agreement in the County Recorder's Office, as a covenant running with the land for the benefit of the County of Los Angeles, providing that should this minor parking deviation permit terminate and not be renewed, the owner or his successor in interest will develop the parking spaces needed to bring the new use or occupancy into conformance with the requirements of Part 11, Chapter 22.52 of the County Code at the time such new occupancy is established.

9. **This grant will terminate on May 16, 2021.** Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the Permittee intends to continue operations after such date, a new Parking Deviation application shall be filed with Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$750.00**. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. **The fund provides for five (5) biennial inspections.** Inspections shall be unannounced.
- If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission (Commission) or Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. All requirements of the County Code and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

DEPARTMENT OF REGIONAL PLANNING

Memorandum

August 28, 2013

TO: DRP Staff

FROM: Richard J. Bruckner
Director

DS
for
RJB

SUBDIVISION AND ZONING ORDINANCE POLICY NO. 01-2013 PARKING REQUIREMENTS FOR PROPOSED EATING OR DRINKING ESTABLISHMENTS WITHIN EXISTING COMMERCIAL BUILDINGS NONCONFORMING DUE TO PARKING

The purpose of this interpretation memo is to clarify parking requirements for establishments proposing to sell food or drinks within an existing building nonconforming due to parking.

Background

When a business owner applies for a change of use, the Department requires the site to comply with current parking standards. Current parking standards for entertainment, assembly, and dining uses require a ratio of one parking space per three occupants or a minimum of ten parking spaces, whichever is greater (Section 22.52.1100.A). However, many existing commercial buildings were constructed (prior to parking requirements) in the early to mid 1900's, at a time when the County required less parking. As such, many properties do not have adequate space to provide the additional required onsite parking.

Issue

To resolve this issue, small business owners are required to file an application for a minor parking deviation or parking permit. The entitlement process is costly and lengthy, with no guarantee of approval, particularly in older commercial areas in need of reinvestment. This creates an undue hardship for small business owners and discourages new businesses from occupying existing commercial buildings. As such, many commercial buildings remain vacant or underutilized.

Interpretation

Staff has examined current parking requirements (Chapter 22.52 Part 11) and the nonconforming uses and standards (Chapter 22.56 Part 10) sections of the Zoning Code to assess if there is a mechanism to allow eating or drinking establishments to occupy existing commercial buildings that are nonconforming due to parking without requiring additional parking and/or discretionary entitlements. In consultation with County Counsel,

the Department finds that new eating or drinking establishments shall comply with the parking requirements in effect at the time that the building was constructed. Prior to 1970, parking requirements for eating or drinking establishments were the same as general commercial; however, subsequent amendments to commercial parking requirements differentiated dining uses (September 22, 1970-urgency ordinance became effective) and establishments that sell food or drink for off-site consumption with no seating or on-site eating (October 14, 1983). These amendments increased parking requirements for said uses; thus, many commercial properties were rendered nonconforming due to parking. This policy memo will alleviate an undue burden on small business owners with a negligible impact on the community since many food and drink establishments are similar to retail uses.

Implementation

Effective immediately, this policy memo is applicable Countywide. Department of Regional Planning approval through the Site Plan review process is necessary to determine and acknowledge the applicability of this policy memo.

Unless there were previous discretionary entitlements specifying otherwise, parking for proposed eating or drinking establishments within existing commercial buildings shall be based on the requirements in effect at the time the building was legally constructed, as follows:

- 1) Prior to September 22, 1970: Any eating or drinking establishment may be permitted without requiring additional parking.
- 2) From September 22, 1970 to October 13, 1983:
 - a. Dining uses require one (1) parking space for each 45 square feet of floor area for uses where seats are not fixed, or one (1) space for every three (3) fixed seats with a minimum of 10 parking spaces, whichever is greater;
 - b. Establishments that sell food or drink for off-site consumption with no seating or on-site eating require one (1) parking space per 400 square feet with a minimum of 10 parking spaces.
- 3) From October 14, 1983 to October 15, 1988
 - a. Dining uses require one (1) parking space for every three (3) persons based on the occupant load with a minimum of ten (10) parking spaces;
 - b. Establishments that sell food or drink for off-site consumption with no seating or on-site eating require one (1) parking space per 400 square feet of building floor area with a minimum of ten (10) parking spaces.
- 4) From October 16, 1988 to Present – Proposed eating establishments are subject to current parking requirements pursuant to Section 22.52.1110.

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This policy memo does not supersede or apply to Specific Plan parking requirements or Community Standards District regulations with specific parking requirements for establishments selling food and/or drinks for off-site or on-site consumption. It shall not apply to illegal buildings, new building construction or expansion, uses which require discretionary entitlements, or commercial buildings nonconforming due to use. It does not authorize the reduction of existing parking spaces nor does it apply to rebuilds as specified in Title 22.

RJB:JS:CS:cr:lm

Attachments: References 22.52.1100, 22.52.1110, 22.56.1510.E
History of Parking Provisions for Eating Establishments

History of Parking Provisions for Eating Establishments

October 16, 1988 to present:

Section 22.52.1110 Entertainment, assembly and dining

(including: dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants, bars, cocktail lounges, soda fountains, tasting rooms, taverns, and other similar dining/drinking establishments)

- 1 space for every 3 persons based on occupant load for on-site consumption
- 1 space for every 250 square feet for off-site consumption
- Minimum 10 spaces for other uses

October 14, 1983 to October 15, 1988:

Section 22.52.1110 was added to the Code and became effective on 10/14/1983. All the words are the same as above, except that the requirement for off-site consumption was initially 1 space per 400 square feet.

January 2, 1981 to October 13, 1983:

Section 703.11 was amended (as underlined) to read:

Parking – Assembly, Entertainment and Dining

"Except as otherwise provided in this Article, every structure used for amusement, assembly, drinking, eating or entertainment shall provide on the same lot or parcel one (1) or more automobile parking spaces:"

a. for each 45 square feet of floor area for uses where seats are not fixed, including but not limited to:

...

2. dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants and other similar uses;

3. drinking establishments, bars, cocktail lounges, night clubs, soda fountains, tasting rooms, taverns, and other similar uses;

...

b. for every 3 fixed seats. Each 18 inches of fixed bench shall be the equivalent of one seat.

A business containing a use enumerated in this section shall have a minimum of 10 parking spaces."

September 22, 1970 to December 17, 1970 (urgency) and

December 18, 1970 to January 1, 1981:

Section 745.5 was added to the Code, effective 9/22/70 as an urgency ordinance and 12/18/70 as permanent ordinance. *This is the first addition that specifically distinguishes assembly, entertainment and dining uses from other commercial uses for parking. It lists the same provisions as 703.11 above, except that the wording started with "Every structure used for amusement, assembly, drinking, eating,...."* Section 745.5 was renumbered to 703.11 in 1977, but the provisions remained intact.

Prior to 1970, all restaurant parking was listed under general commercial parking (section 749).

July 27, 1958 to September 21, 1970:

"Section 749. Other Commercial Uses.

"Except as otherwise provided in this Article, every lot or parcel of land which is used for a use permitted in Zone C-4 but not permitted in Zone R-4, ... shall have on the same lot or parcel of land, an area equal to the area so used, which area shall be developed and used for the parking of motor vehicles in conjunction with such other use. Such area also shall be of sufficient size so that it contains one automobile storage space plus adequate access thereto for each four hundred square feet of floor area of any building or structure so used."

January 12, 1950 to July 26, 1958:

Zone C-H (if a dining establishment is located within a hotel or motel)

Zone C-1 to C-4 – all parking requirements must comply with Zone P (Section 260-261)

No numbers were given for different types of commercial businesses. Generally, for most commercial zones, "...an area not less than the area otherwise used for a use not permitted in Zone R-4, except in the case of electrical substations and similar public utilities in which there are no offices or other places visited by the public, is developed and used for the parking of motor vehicles in conjunction with such other use. Such area used for parking shall be developed and used as provided in Section 261."

Section 261 only provides requirements for paving materials, fences and walls, and lighting.

April 17, 1941 to January 11, 1950:

According to 1944, 1946, and 1948 Zoning Ordinances:

Section 41 Zone C-1 Regulations: "Conditions under which the use described in Section 40 are permitted to be erected, constructed, ore established in Zone C-1 as follows:

...

(d) That provision be made for free off-street automobile storage or parking space sufficient in area to accommodate the automobiles of the operators and patrons of any such commercial use."

Same rules applied for Zones C-2, C-3, C-4, M-1, M-2 and M-3.

(No required numbers of spaces for each type of business were given except for public assembly uses, but dining/drinking establishments were not defined as public assembly, and no entertainment were allowed in conjunction with a café or restaurant)

Prior to 1941:

Nothing in the earlier Zoning Ordinances addressed parking or storage of automobile vehicles in commercial zones at all.

22.56.1510 - Regulations applicable.

The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

A.

Continuation. A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this Title 22

B.

Additions to a Nonconforming Use or a Building or Structure Nonconforming Due to Use and/or Standards. This section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of, or addition to a building or structure nonconforming due to use and/or standards, or permit the addition of land, buildings, or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards except:

1.

To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the director so finds. Such additions as are permitted by this subsection shall not be construed to extend the termination date of the subject nonconforming use, or a building or a structure nonconforming due to use.

2.

Additions may be made to a building nonconforming due to use and/or standards which is designed for and used as a residence without requiring any additional parking space or driveway paving; provided, that such additions neither increase the number of dwelling units in such structure, nor occupy the only portion of an area which can be used for required parking space or access thereto. Notwithstanding the foregoing, a second unit in compliance with Part 16 of Chapter 22.52 may be developed on a lot or parcel of land containing a single-family residence nonconforming due to standards, provided that where the single-family residence is nonconforming due to parking standards, sufficient parking shall be provided to ensure that both the single-family residence and the second unit comply with the applicable provisions of Section 22.52.1180

C.

Additions to a Building or Structure Nonconforming Due to Standards. Additions may be made to a building or structure nonconforming due to standards which is not in violation of any provisions of this Title 22 and is

nonconforming only because it does not meet the following standards of development as provided herein:

1. Yards, provided such addition or expansion is developed pursuant to the yard requirements of this title;
2. Building height limits, but not including floor area ratio or maximum lot coverage provisions, provided such addition or expansion is developed pursuant to the height requirements of this title;
3. Parking facilities including width of access and paving, improvement, number of spaces and landscaping of parking areas; provided, that parking spaces for such addition, increase in occupant load or expansion shall be developed pursuant to the provisions of Part 11 of Chapter 22.52. Such addition or expansion shall not occupy the only portion of an area which can be used for the required parking space or access thereto. Where the number of parking spaces provided prior to such addition is sufficient to comply with said Part 11 of Chapter 22.52 after such expansion, the existing development of such parking facilities shall be deemed to comply with this subsection;
4. Such additions as are permitted by this subsection shall not be construed to authorize the modification of any provision of this title nor extend the termination date of the subject nonconforming use.

D.

Conforming Uses in a Building or Structure Nonconforming Due to Standards Other Than Parking. A building or structure nonconforming due to standards other than parking may be occupied by any use permitted in the zone in which it is located, subject to the limitations and conditions governing such use as specified in the zone.

E.

Conforming Uses in a Building or Structure Nonconforming Due to Parking. A building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that:

1. The use has the same or lesser parking requirement as the existing or previous use; or
2. If the use has a greater requirement than the existing or previous use, a sufficient number of additional parking spaces is developed to accommodate the increased amount of space required by the new use.

F.

Buildings or structures, for which a valid building permit has been issued prior to the effective date, or operative date where later, of the ordinance codified herein, or any amendments thereto, making such building or structure nonconforming due to use and/or standards, may be completed and used in accordance with the provisions of this title, provided:

1.
 - That such construction or the proposed use of such building or structure under construction is not in violation of any other ordinance or law at said effective or operative date; and
2.
 - That such building or structure is completed within:
 - a.
 - One year from said effective or operative date, if two stories or less in height and not more than 70,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 70,000 square feet,
 - b.
 - One and one-half years from said effective or operative date, if three to six stories in height and not more than 100,000 square feet in floor area, except that one additional month shall be permitted for each 15,000 square feet in excess of said 100,000 square feet,
 - c.
 - Two years from said effective or operative date if seven stories or more in height and not more than 150,000 square feet in floor area except that one additional month shall be permitted for 15,000 square feet in excess of said 150,000 square feet;
3.
 - That such building or structure is completed in accordance with the plans and specifications on which such building permit was issued.

G.

Repair of Damaged or Partially Destroyed Buildings or Structures Nonconforming Due to Use and/or Standards. Any building or structure nonconforming due to use and/or standards which is damaged or partially destroyed may be restored to the condition in which it was immediately prior to the occurrence of such damage or destruction, provided:

1.
 - That the cost of reconstruction does not exceed 50 percent of the total market value of the building or structure as determined by:
 - a.
 - The current assessment roll immediately prior to the time of damage or destruction, or
 - b.

A narrative appraisal prepared by a certified member of a recognized professional appraiser's organization; provided, that such appraisal is first submitted to and approved by the director. Submission of an appraisal shall be at the option of the applicant. In verifying the accuracy of the appraisal submitted, the director may request additional supporting information from the applicant and/or conduct his own investigation including a request for technical assistance from any source which in his opinion can contribute information necessary to complete such evaluation. Further, the director may also obtain an independent narrative appraisal of the applicant's property in order to verify the accuracy of the appraisal submitted by the applicant. Where a discrepancy exists between the applicant's appraisal and the appraisal prepared pursuant to the director's request the director may at his discretion determine the market value of the applicant's property based on the evidence submitted and his decision is final; provided, that the applicant shall first have the opportunity to file additional information to substantiate the accuracy of the appraisal submitted by him. Where the director undertakes his own investigation and/or requests that an independent appraisal be prepared as provided herein, the applicant shall pay to the county the actual cost of conducting such investigation and/or the appraisal. Value shall be determined by the use of the assessment roll in all instances where an appraisal prepared pursuant to this subsection is not approved by the director. Such costs shall not include the land or any factor other than the building or structure itself; and

2.

That all reconstruction shall be started within one year from the date of damage and be pursued diligently to completion.

H.

Maintenance of Buildings or Structures Nonconforming Due to Use. When maintenance or routine repairs within any 12-month period exceed 25 percent of the current market value of a building or structure nonconforming due to use, or a building or structure nonconforming due to standards which is subject to termination by operation of law as specified in subsection B of Section 22.56.1520, such building or structure shall be made to conform to the requirements for new buildings or structures as specified by this Title 22. This provision does not apply to additions permitted by this part or to Section 22.52.160. Market value shall be determined by the method specified in subsection G of this section.

I.

Limitation on Additional Development. No new use, building or structure shall be developed on any lot or parcel of land containing a nonconforming use or a

building or structure nonconforming due to use and/or standards unless the following conditions prevail:

1.

That each existing and proposed use, building or structure, including appurtenant structures, improvements and open space, will be located on a lot or parcel of land having the required area as provided in Part 2 of Chapter 22.52; and

2.

That such lot or parcel of land can be divided into smaller lots or parcels of land each of which when considered as a separate lot or parcel of land will contain not less than the required area; and

3.

That each such lot or parcel of land so divided into smaller lots or parcels of land will comply with the requirements of this title as to the number and location of structures.

J.

The provisions of this section shall not be construed to extend the termination date of such nonconforming uses, buildings and structures.

(Ord. 2004-0012 § 10, 2004; Ord. 83-0161 §§ 74—76, 1983; Ord. 1494 Ch. 5 Art. 9 § 509.1, 1927.)

22.52.1100 - Commercial areas.

Except as otherwise provided in this Part 11, every lot or parcel of land which is used for a use permitted in Zone C-3 but not permitted in Zone R-4-()U, except an electrical substation or similar public utility in which there are no offices or other places visited by the public, shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used. Except for medical offices, the preceding provisions shall not apply to business and professional offices, which shall instead provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 400 square feet of floor area of any building or structure so used.

(Ord. 92-0026 § 1, 1992; Ord. 90-0155 § 2, 1990; Ord. 88-0156 § 2, 1988; Ord. 83-0161 § 46, 1983; Ord. 1494 Ch. 7 Art. 3 § 703.18, 1927.)

22.52.1110 - Entertainment, assembly and dining.

A.

Except as otherwise provided in this Part 11, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces:

1.

For each three persons based on the occupant load as determined by the county engineer. These uses include but are not limited to:

a.

Conference rooms;

b.

Dining rooms, cafes, cafeterias, coffee shops, nightclubs, restaurants, and other similar uses;

c.

Drinking establishments, bars, cocktail lounges, nightclubs, soda fountains, tasting rooms, taverns, and other similar uses;

d.

Exhibit rooms, stages, lounges, and other similar uses;

e.

Theaters, auditoriums, lodge rooms, stadiums or other places of amusement and entertainment, not otherwise enumerated in this Part 11;

f.

Mortuaries;

g.

Dancehalls, skating rinks, and gymnasiums; and,

h.

Health clubs and centers.

2.

For each 250 square feet for an eating establishment selling food for off-site consumption and having no seating or other areas for on-site eating where approved by the director in accordance with Section 22.56.1762

B.

A business establishment, other than that described in subsection A2 of this section, containing a use or uses enumerated in this section shall be subject to a minimum of 10 automobile parking spaces.

C.

The parking requirement for that portion of a business described in subsection A of this section that is conducted outside of a building shall be calculated in accordance with the method of determining the occupant load contained in the Building Code (Title 26 of this code).

(Ord. 2001-0071 § 1, 2001; Ord. 88-0156 § 3, 1988; Ord. 83-0161 § 48, 1983; Ord. 1494 Ch. 7 Art. 3 § 703.11, 1927.)